

U.S.S.N. 10/091,615

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**REMARKS**

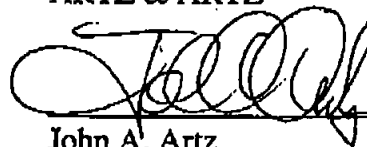
In the Office Action, claim 17 was rejected under 35 USC §112 due to the inclusion of the term "sugarless syrup". Even though the Applicants disagree with the Examiner's position on this issue, the term "syrup" is being deleted from the claim in order to obviate and overcome the §112 rejection.

The Applicants also disagree with the Examiner's position relative to the rejection of claims 13-17 under 35 USC §103 and are filing a Notice of Appeal concurrently herewith.

The Examiner is requested to enter this response and make the change to claim 17 so the only issue on appeal will be the §103 obviousness issues.

Respectfully submitted,

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